

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

AMANDA ARNOLD,
Plaintiff,

Civil Action No.: 17-10432-DJC

VS.

**THE WOODS HOLE, MARTHA'S
VINEYARD AND NANTUCKET
STEAMSHIP AUTHORITY,**
Defendant.

**DEFENDANT'S MOTION IN LIMINE TO PRECLUDE
EVIDENCE OF SUGGESTED JURY AWARD**

Now comes the defendant, Woods Hole, Martha's Vineyard and Nantucket Steamship Authority (hereinafter the "Steamship Authority"), in the above captioned civil action, by and through its undersigned counsel, Clinton & Muzyka, P.C., and hereby submits its its Motion In Limine to Preclude Evidence of Suggested Jury Award.

BACKGROUND

This is a pain and suffering personal injury case. The Plaintiff's special damages are limited to her claimed medical invoices, which approximate \$10,000.00. The Plaintiff's injury was two [2] distal phalange finger fractures. There is no claim for lost earnings or lost future earning capacity.

ARGUMENT

At trial, "lawyers cannot state in summation the number they think jurors should award for pain and suffering." *Bielunas v. F/V MISTY DAWN*, 621 F.3d 72, 78 (1st Cir. 2010) (citing *Davis v. Browning-Ferris Indus., Inc.*, 898 F.2d 836, 837-38 (1st Cir. 1990)). Accordingly, Plaintiff and Plaintiff's counsel should be barred from suggesting any amount of damages awarded to the Plaintiff for pain and suffering at trial.

WHEREFORE, Defendant respectfully moves that the Honorable Court to preclude both Plaintiff and Plaintiff's counsel from suggesting any amount of damages that should be awarded in this civil action.

By its attorneys,
CLINTON & MUZYKA, P.C.

/s/ Olaf Aprans

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CERTIFICATE OF SERVICE

Pursuant to Local Rule 5.2, I hereby certify that the above document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on December 17, 2018.

/s/ Olaf Aprans

Olaf Aprans